

Remarks

Claims 6, 55, and 56 have been amended to more precisely claim the present invention and now specify that the mounting pin is generally cylindrical with a head that is generally cylindrical. Claims 6 – 31, 55 and 56 remain pending in the application.

The Applicant gratefully acknowledges the Examiner's indication that claim 28 would be allowable if rewritten into independent form.

Examiner Interview

The Applicant thanks the Examiner for the telephone interview on March 28, 2007 where the Lehman reference and potential amendments to the claims to overcome this prior art rejection where the claims could specify that the head is generally cylindrical were discussed.

35 U.S.C. §102

The Examiner rejected claims 6-8, 10-16, 18, 21, 23-31 and 55-56 under 35 U.S.C. 102(b) as being anticipated by Lehmann et al EP 167999 A2 (hereinafter "Lehmann"). The Applicant previously provided an English language translation of portions of the Lehmann reference. As described on the first page of this translation, Lehmann generally describes a sieve bed system with sieve elements 2 with receptacles 8 that interconnect with plastic profile sections 6. The plastic profile sections extend over the entire length of the long side of the sieve elements 2. The Examiner stated that the translation of Lehmann at page 3 suggests that this profile section could be replaced by peg sections.

It should be noted that no description of the shape of this alternative embodiment as a peg or bolt forming post is given nor is such alternative embodiment depicted in any of the figures by Lehmann. The shape of this peg whether square, rectangular, oblong, or cylindrical is not mentioned by Lehmann. In addition, upon careful reading of this translated text, this section of page 3 in the Lehmann translation is not particularly clear as to what it is describing. The beginning portion of this paragraph is describing modified profiles 23 for border regions that are greater in height to form a curb at the edge of the sieve element 2 (see right side of FIG. 1). The remaining portion of this

paragraph is describing the lower portion of the profile 6 near the underside 11 of the sieve element 2. This profile 6 may have a projection 14 that may be inserted into the split opening 13 of the U-formed steel profile 12. Based on reading the text highlighted by the Examiner in the context of what else is being described in this paragraph, one of ordinary skill in the art would understand that this alternative embodiment “peg” appears to be directed to other shapes for the lower portion or projection 14 of profile 6. This lower portion or projection 14 of profile 6 is analogous in its position in a sifting machine to the stem of a mounting pin as claimed in the instant patent application. However, Lehmann is silent as to the shape of this peg.

To further distinguish the present invention from Lehmann, independent claims 6, 55 and 56 have been amended to describe generally cylindrical mounting pins with generally cylindrical heads. Lehmann does not teach the use of several generally cylindrical mounting pins with generally cylindrical heads spaced along sieve elements to attach the sieve elements to a steel profile or frame, but rather relies on a single long plastic profile 6 that extend over the entire length of each edge of each sieve element 2. These long profiles block significant portions of the sieve element surface such that less area is available for sifting than sieve elements configured with the presently claimed mounting pins spaced along a sieve element edge. This use of pins and conservation of sifting area is shown in the present patent application FIG. 3 and described in detail in paragraph [0073] of the present patent application specification.

In short, Lehmann does not teach the use of generally cylindrical mounting pins as specified in independent claims 6, 55, and 56. Claims 7-8, 10-16, 18, 21, and 23-31 depend from claim 6 and therefore are allowable over Lehmann for the same reasons that claim 6 is allowable. Therefore, under 35 U.S.C. 102(b), Lehmann fails to teach the present invention as claimed in claims 6-8, 10-16, 18, 21, 23-31 and 55-56 and withdrawal of this rejection is respectfully requested.

The Examiner rejected claims 6, 7, 9-13, 15, 18, 21, 23-27, 29-31 and 55-56 under 35 U.S.C. 102(b) as being anticipated by Schmidt et al US 4,871,288 (hereinafter “Schmidt”). The Schmidt reference generally describes a screen lining with screen

elements 1 with groove-shaped longitudinal recesses 3 along lateral end faces 2 that engage plastic sections 5. The plastic sections 5 extend parallel to the metal sections 6 of a substructure. The plastic sections 5 are held in place on horizontal metal sections 6 with bolts 10 that have a head 12 and a shank 11. Like Lehmann, Schmidt does not teach the use of generally cylindrical mounting pins with generally cylindrical heads, but rather relies on plastic sections 5 that extend over the entire length of the screen elements 1 with bolts 10 having long rectangular heads (not cylindrically shaped) that extend along portions of that same length (See side view of bolt 10 in FIG. 2). In contrast, the present invention as presently claimed in independent claims 6, 55 and 56 has generally cylindrical mounting pins with cylindrical heads that may be spaced along the sieve elements.

In short, Schmidt does not teach the use of generally cylindrical mounting pins with cylindrical heads as specified in independent claims 6, 55, and 56. Claims 7, 9-13, 15, 18, 21, 23-27, and 29-31 depend from claim 6 and therefore are allowable over Schmidt for the same reasons that claim 6 is allowable. Therefore, under 35 U.S.C. 102(b), Schmidt fails to teach the present invention as claimed in claims 6, 7, 9-13, 15, 18, 21, 23-27, 29-31 and 55-56 and withdrawal of this rejection is respectfully requested.

35 U.S.C. §103

Claims 6-8, 10, 12-16, 18, 21, 23-27, 29-31 and 55-56 were rejected under 35 USC §103(a) as being unpatentable over Lehmann. The Examiner acknowledges that Lehmann may not teach a generally cylindrical mounting pin; however, asserts that Lehmann teaches profile structures 6 that extend along an edge of a sieve element 2 can be made as pegs. Further, the Examiner states that Lehmann teaches that using profiles or pins are well known equivalents in the screen arts and as such it is obvious to modify the teachings of Lehmann to produce the present invention. The Applicant respectfully disagrees with this last assertion. This assertion is flawed for at least three reasons.

First, the suggested modifications of Lehmann by the Examiner are drawn from impermissibly using hindsight gained only after using the presently pending claims as a blueprint to reconstruct the present invention from the prior art. But for the reading the

instant patent application, one of ordinary skill in the art at the time the presently claimed invention was made would not have modified Lehmann to construct the present invention.

Second, Lehmann fails to teach or suggest all the claim limitations. Lehmann is silent as to the shape of this peg replacement for the long profile. Lehmann does not describe whether this peg is square, rectangular, oblong, or cylindrical. Thus, Lehmann fails to teach or suggest the claim language of cylindrical mounting pins with cylindrical heads as claimed in independent claims 6, 55, and 56

Third, as described previously, the present invention as produces an unexpected result with advantages that are non-obvious over the teachings of Lehmann. Lehmann uses long profiles along the edge of the sieve elements which block significant portions of the sieve element surface such that less area is available for sifting. In contrast, the presently claimed cylindrical mounting pins when spaced along a sieve element edge permit more sifting area on sieve element surfaces than the use of the long profiles taught by Lehmann. This use of pins and conservation of sifting area is shown in the present patent application FIG. 3 and described in detail in paragraph [0073] of the present patent application specification. Lehman mentions nothing about the advantages of pins or conservation of sifting areas. Thus, cylindrical pins are not equivalent to long profiles in the sifting machine arts. Therefore, the present invention cylindrical mounting pins as claimed in independent claims 6, 55, and 56 achieve an unobvious, unexpected advantage not taught by Lehmann.

Claims 7-8, 10, 12-16, 18, 21, 23-27, 29-31 depend from claim 6 and therefore are allowable over Lehmann for the same reasons that claim 6 is allowable. Therefore, under 35 U.S.C. §103(a), Lehmann fails to teach the present invention as claimed in claims 6-8, 10, 12-16, 18, 21, 23-27, 29-31 and 55-56 and withdrawal of this rejection is respectfully requested.

Claims 17, 19-20 and 22 were rejected under 35 USC §103(a) as being unpatentable over Lehmann or Schmidt in view of what is well known in the art (hereinafter "Official Notice"). Applicant respectfully suggests that the Examiner has failed to establish a

prima facie case of obviousness. Lehmann, Schmidt and Official Notice when considered individually or together in combination, fail to suggest or teach all of the elements of the presently pending claims. Applicant respectfully suggests that neither Lehmann, Schmidt, nor Official Notice teach generally cylindrical mounting pins with cylindrical heads as claimed in independent claim 6. For the reasons previously stated above, Lehmann and Schmidt merely teaches the use of plastic sections that extend along the length of a sieve element rather than the presently claimed generally cylindrical mounting pins with cylindrical heads. Claims 17, 19-20 and 22 depend from claim 6 and therefore are allowable over the Lehmann or Schmidt references and Official Notice for the same reasons that claim 6 is allowable. Therefore, under 35 USC §103(a) Lehmann or Schmidt and Official Notice fail to teach the present invention as claimed in claims 17, 19-20 and 22 and withdrawal of this rejection is respectfully requested.

Conclusion

On the basis of the foregoing, Applicant respectfully submits that claims 6 – 31, 55 and 56 are now believed to be in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Durex Products, Inc.
By its agents:

NORTH OAKS PATENT AGENCY
45 Island Road
North Oaks, Minnesota 55127
(612) 850-1688

Date: 4 April 2007

By /Shawn B. Dempster/
Shawn B. Dempster, Registration No. 34,321